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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,724	11/07/2001	Marc Lamberton	FR920000068US1	4120

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IBM CORPORATION  
INTELLECTUAL PROPERTY LAW DEPT.  
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EXAMINER
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BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/035,724

Applicant(s)

LAMBERTON ET AL.

Examiner

Greg Bengzon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                                        | 6) <input type="checkbox"/> Other: _____                                    |

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**DETAILED ACTION**

This application has been examined. Claims 1- 20 are pending.

***Priority***

This application claims benefit of priority from EPO Application 00480102.3 dated November 14, 2000.

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The effective date of the subject matter of the claims in this application is November 14, 2000.

***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on March 7, 2002 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levi (US Patent 6636983) in view of Rowland (US Patent 6405318).

With respect to Claim 1, Levi discloses a method comprising: enabling surveillance of a computer-like device connected to a communications network, said communications network including a Network Surveillance Server (NSS), (Column 3 Lines 55-65, Column 4 Lines 1-40) said method including the steps of: upon joining said communications network, said computer-like device logging-in to said NSS; (Figures 2-4, Column 8 Lines 10-65) said NSS polling, said computer-like device while connected on said communications network, (Column 12 Lines 30-55) said NSS issuing an alarm, from, to a central surveillance unit if said computer-like device fails responding to polling; (Column 32 Lines 20-65, Column 33 Lines 1-30) and allowing said computer-like device to be watched by said NSS while being connected to said communications network.

With respect to Claim 2, Levi discloses the method according to claim 1, wherein there are a plurality of more than one said NSS present in said communications network. (Column 5 Lines 40-50)

With respect to Claim 3, Levi discloses the method according to claim 2, said step of said computer-like device logging-in includes the steps of: upon joining said communications network, (Column 12 Lines 20-50) discovering at least one said NSS within said communications network [305]; selecting one of said at least one NSS to perform the surveillance of said computer-like device [310]; (Column 5 Lines 40-45) sending credentials to said selected NSS; (Column 12 Lines 35) thereby, if accepted by said selected NSS [315], completing log-in; however, if not accepted [316], aborting log in. (Column 12 Lines 45)

With respect to Claim 4, Levi discloses the method according to claim 1, said step of polling includes the step of: said NSS checking if said computer-like device responds. (Column 32 Lines 30-35)

With respect to Claim 6, Levi discloses a method according to claim 4, wherein said polling step includes collecting information about said computer-like device and a registered user of said computer-like device. (Column 8 Lines 10-65)

With respect to Claim 8, Levi discloses the method according to claim 1, wherein said collecting step and said comparing step are performed on top of said polling step and said checking step. (Column 32 Lines 55-65, Column 33 Lines 1-40)

With respect to Claim 9, Levi discloses a method according to claim 1, wherein said communications network is an IP network and said polling step utilizes the IP `PING` command. (Column 32 Lines 40-60)

With respect to Claim 10, Levi discloses a method according to claim 1, wherein said communications network is an IP network and said polling step utilizes the IP Address Resolution Protocol (ARP). (Column 32 Lines 40-60)

With respect to Claim 11, Levi discloses a method according to claim 1, wherein said computer-like device is a mobile device. (Figure 11, Column 20 Lines 40-60)

With respect to Claim 12, Levi discloses a method according to claim 1, wherein said computer-like device is voice enabled. (Figure 11, Column 20 Lines 40-60)

With respect to Claim 14, Levi discloses a method according to claim 1, wherein said collected information about said computer-like device includes: a current

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geographic location; and an identification of a portal through which said communications network is accessed. (Column 6 Lines 25-60)

With respect to Claim 16, the Applicant claims a network surveillance system for carrying out the method according to Claim 1. Claim 16 is rejected on the same basis as Claim 1.

With respect to Claim 17, the Applicant claims a computer-like readable medium for carrying out the method according to Claim 1. Claim 17 is rejected on the same basis as Claim 1.

With respect to Claim 18, the Applicant claims an article of manufacture for carrying out the method according to Claim 1. Claim 18 is rejected on the same basis as Claim 1.

With respect to Claim 19, the Applicant claims a program storage device readable by machine for carrying out the method according to Claim 1. Claim 19 is rejected on the same basis as Claim 1.

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With respect to Claim 20, the Applicant claims a computer program product for carrying out the method according to Claim 16. Claim 20 is rejected on the same basis as Claim 1 and 16.

However Levi does not disclose certain features described by the Applicant.

With respect to Claim 1, Levi does not disclose of the method of Claim 1 comprising of said computer-like device logging-out from said NSS prior to leaving said communications network;

With respect to Claim 5, Levi does not disclose a method according to claim 1, said step of said computer-like device logging-out includes the steps of: upon willing to leave said communications network, said computer-like device sending credentials to said selected NSS, thereby, if log-out is accepted by said NSS stops polling, said computer-like device thus, completing log-out; however, if log-out is not accepted, said NSS keeps polling, said computer-like device thus failing to complete log-out.

With respect to Claim 7, Levi does not disclose a method according to claim 4, wherein said step of checking if said computer-like device responds, includes comparing if said collected information matches records, in said NSS, about said computer-like device and said registered user.



Rowland discloses an intrusion detection system that monitors the user behavior in real time and compares said behavior according to a previously determined user profile indicating said user's normal behavior. (Column 2 Lines 40-65, Column 7 Lines 40-55) In addition to session monitoring, Rowland discloses of users logging out, and of a logout anomaly detector that would indicate if the user has logged off normally or otherwise, and issues alerts to the network administrator if any abnormal conditions are found. (Figures 1-5B, Column 5 Lines 40-65, Column 12 Lines 50-65) The logout anomaly detector includes polling the network device to determine the status of the logout process. (Column 10 Lines 50-55)

Levi and Rowland are analogous art because they present concepts and practices regarding network monitoring for detecting abnormal activity in a network device. The Examiner respectfully suggests that it would have been obvious to a person of ordinary skill in the art to combine the teachings of Rowland into the method of Levi, such that 1) the user is enabled to complete a logout process and such that the system is enabled to detect an abnormal logout condition, and 2) the method of Levi is able to compare real-time user behavior with previously established normal behavior. The suggested motivation for doing so would be, as Rowland suggests, by comparing the user behavior to the dynamically built user profile, false alarms for abnormal activity (such as a device being incorrectly tagged as 'stolen' due to abnormal logout conditions) are reduced. (Rowland Abstract)

Thus it would have been obvious to combine the teachings of Rowland into the method of Levi in order to obtain the invention as described in Claims 1-12, 14, and 16-20.

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levi (US Patent 6636983) in view of Rowland (US Patent 6405318) as applied to Claims 1-12, 14, and 16-20 above, and further in view of Lambert et al. (US Patent 6367016), hereinafter referred to as Lambert .

While the combined teachings of Levi and Rowland , when applied together, are enough to substantially disclose the invention as described in Claims 13 and 15, the combination of Levi and Rowland do not disclose the collection of biometric and personal credentials as follows:

With respect to Claim 13, a method according to claim 1, wherein said collected information about said registered user includes: a typing speed over a keyboard; a voice intonation.

With respect to Claim 15, a method according to 1, claim, wherein said credentials includes: knowing a personal identification number (PIN); knowing a password; and possessing a token or smartcard.

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Lambert discloses of a method of controlling access to a network comprising of collecting biometric data in addition to the combination of passwords, PINs and smartcards in order to verify the identity and determine the access level of the user. Lambert uses various machine readers to collect said user information. (Column 3 Lines 25-50, Column 4 Lines 50-60)

Levi, Rowland and Lambert are analogous art because they present concepts and practices regarding collection of unique or secret personal information from the user for network and device security purposes. The Examiner respectfully suggests that it would have been obvious to a person of ordinary skill in the art to combine the teachings of Lambert into the combined teachings of Levi and Rowland. The said combination would allow the user validator of Levi (Column 12 Lines 35-45) to permit entry upon verifying static logon credentials such as passwords and PINs. Furthermore the said combination would allow for collection of real-time information pertaining to user behavior, such as typing speed and voice intonation, for comparison with previously determined behavioral patterns. The suggested motivation for doing so would be, as Lambert suggests, to take advantage of smartcard technology which by incorporating within it active data processing and storage facilities, provides security and flexibility. (Column 1 Lines 25-40)

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Therefore it would have been obvious to combine the teachings of Lambert into the combined methods of Levi and Rowland in order to arrive at the invention described in Claims 13 and 15.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

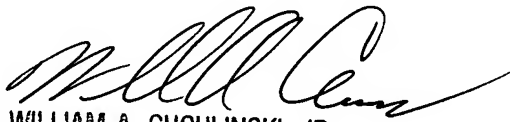
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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